

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JHON JAIRO OROZCO, et al.,

Defendant.

CASE NO. 07CR658 WQH

ORDER

HAYES, Judge:

In the matter before the Court, Defendant Jhon Jairo Orozco moves the Court to declare this case complex and exclude time pursuant to Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(ii). (Doc. # 39).

Section 3161(h)(8)(A) provides that the Court may exclude any period of delay resulting from a continuance “if the judge granted the continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” Factors which a judge shall consider in determining whether to grant a continuance under subparagraph (A) include “[w]hether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established...” Section 3161(h)(8)(B)(ii). “[N]o continuance period may be excluded unless the court makes reasonably explicit findings that demonstrate that the ends of justice served by granting the

1 continuance do, in fact, outweigh the best interests of the public and the defendant in a speedy  
2 trial.” *United States v. Perez-Reveles*, 715 F.2d 1348, 1352 (9th Cir. 1983).

3 Based upon the complex nature of this proceedings which involves multiple defendants  
4 from several countries, defendants named in multiple prosecutions, and a very large volume  
5 of discovery, the Court concludes that it would be unreasonable to expect defense counsel to  
6 be able to adequately prepare for pretrial proceedings or for the trial itself within the time  
7 limits established under Section 3161, et seq., taking into account the exercise of due diligence.  
8 The discovery in this case which results from an investigation involving hundreds of potential  
9 targets from several countries includes thousands of pages of documents, over one hundred  
10 compact disks containing thousands of pages of line sheets and hundreds of intercepted phone  
11 calls in Spanish, as well as multiple DVD’s of video surveillance. The Court concludes that  
12 the ends of justice served by a continuance outweighs the best interest of the public and the  
13 Defendants in a speedy trial. Based upon the finding of complexity, the court will exclude the  
14 period of time between May 28, 2008 to August 4, 2008 in order to allow all defense counsel  
15 an opportunity to review and organize the voluminous discovery, to conduct the required  
16 investigation, and to effectively prepare pretrial motions.

17 IT IS HEREBY ORDERED that the motion to declare this case complex and exclude  
18 time pursuant to Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(ii) filed by Defendant Jhon Jairo  
19 Orozco (Doc. # 39) is granted.

20 IT IS FURTHER ORDERED that a period of excludable delay from May 28, 2008 to  
21 August 4, 2008 is allowed pursuant to Section 3161(h)(8), in addition to any time excludable  
22 pursuant to Section 3161(h)(1)(F). This period of excludable delay applies to all defendants  
23 in this case pursuant to Section 3161(h)(7). A further hearing is scheduled in this matter for  
24 Monday, August 4, 2008 at 2 p.m.

25 DATED: June 19, 2008

26   
27 **WILLIAM Q. HAYES**  
28 United States District Judge